

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Jontez Xavier McLeod

Date of Original Judgment: 03/07/2022

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 0419 3:20CR00156-002USM No: 14010-509

Richard L. Brown, Jr.

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:


☐ DENIED. ☒ GRANTED and the defendant's previously imposed **aggregate** sentence of imprisonment (as reflected in the last judgment issued) of 141 months **is reduced to** 130.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 03/24/2022, shall remain in effect.

IT IS SO ORDERED.

Signed: October 17, 2024


Frank D. Whitney
United States District Judge

Effective Date: 02/01/2024
(if different from order date)

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

DEFENDANT: Jontez Xavier McLeodCASE NUMBER: 0419 3:20CR00156DISTRICT: Western District of North Carolina**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**Previous Total Offense Level: 21Amended Total Offense Level: 21Criminal History Category: IVCriminal History Category: IIIPrevious Guideline Range: 57 to 71 monthsAmended Guideline Range: 46 to 57 months**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.
- ☒ Other (explain): The aggregate sentence includes an 84-month consecutive sentence to which the defendant was sentenced in Count 2.

III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (See *Chavez-Meza v. United States*, 138 S.Ct. 1959 (2018))

Defendant is eligible for a sentence reduction under Amendment 821 to the United States Sentencing Guidelines. Under Part A of the Amendment, Defendant now scores six criminal history points instead of seven, which results in a criminal history category of III and a guideline range of 46 to 57 months on Count 1, lower than his original guideline range of 57 to 71 months, in addition to his mandatory minimum sentence of 84 months on Count 2. Therefore, he is eligible for a sentence reduction, and the Court finds an aggregate sentence of 130 months is sufficient but not greater than necessary to serve the purposes of sentencing under 18 U.S.C. Section 3553(a).